

REMARKS

In connection with the filing of a request for continued examination (“RCE”), the above amended claims and following remarks are submitted in response to the Final Office Action dated July 31, 2008. Claim 1, 9 and 11-16 are amended. Accordingly, claims 1-16 are pending in the application. Favorable reconsideration of the pending claims is requested in view of the above-amendments and following remarks.

I. Objections to the Claims

Claims 11-16 are objected to because of the following informalities: Claims 11-16 are dependent upon claim 9, which is a method claim. However, dependent claims 11 - 16 appear to be apparatus claims as are shown in the preambles. Appropriate correction is required.

In regard to the objections to claims 11-16, these claims have been amended to replace the instances of “apparatus” with the term “method” because base claim 9 from which these claims depend on is a method claim and not an apparatus as erroneously recited in claims 11-16. In light of the amendments, Applicants submit that claims 11-16 are now correctly dependent on claim 9, which is a method claim. Accordingly, reconsideration and withdrawal of the objection to claims 11-16 are respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 1, 2, 6, 7, 9, 10, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over previously cited U.S. Patent Publication No. 2003/0001864 filed by Charpentier (hereinafter “Charpentier”) in view of newly cited U.S. Patent Publication No. 2001/0029527 filed by Goshen (hereinafter “Goshen”). See Final Office Action, page 2.

Claim 1, as amended, recites the elements of “a graphics usage environment information managing means for collecting and managing graphics usage environment information *related to* consuming the graphics contents, *wherein contents of the graphics usage environment information is schema-based.*” The amendment is supported, for example, by page 9, lines 17-24, and page 10, lines 6-10, of the Specification. Charpentier fails to teach these elements. In contrast, Charpentier, discloses that, for each request for graphics information, request dissection

mechanism 126 extracts characteristic information (e.g., display size, color system, color depth, screen resolution) from remote computing device 56 but fails to teach that such characteristic information includes the elements of “contents of the graphics usage environment information is schema-based,” as required by amended claim 1. See Charpentier, paragraph [0025]. As a result, Charpentier fails to teach or suggest the elements of “contents of the graphics usage environment information is schema-based,” as recited in amended claim 1.

Further, Goshen fails to teach or suggest the above missing cited elements of amended claim 1. Instead, Goshen teaches a browser that provides a customized user experience based on web site settings or user preferences. See Goshen, paragraph [0011]. However, Goshen fails to disclose that the user preferences are “schema-based” as recited in amended claim 1. Instead, user preferences are taught as based on the user’s profile, but Goshen is silent on whether the user preferences are related to “graphics usage environment information” or that the user preferences are “schema-based,” as recited in amended claim 1. See Goshen, paragraph [0030]. Moreover, Goshen relates to customizing the display of the web browser according to *the type of web site* that is being viewed instead “user terminal characteristics information,” as recited in claim 1.

The Examiner has also asserted that Goshen further teaches the content provider adapted to change the graphics content according to user’s preference information included in the request, referring to paragraphs 22 and 23. However, Goshen discloses that the customized browser automatically changes and updates so as to provide the best browser configuration and setting with respect to the web site being viewed or to user preference, paragraph 22. Therefore, Goshen simply changes the browser configuration and setting or browser’s appearance. As a result, Goshen does not disclose adapting the graphics contents in the manner recited in amended claim 1 of the present invention.

Moreover, the Examiner asserts that it would have been obvious to one skilled in the art to incorporate the method of sending user’s preference information to the server to adapt the graphics contents to the user’s preference as taught by Goshen into the method and system as taught Charpentier. First of all, Goshen does not disclose adapting the graphics contents but disclose changing the browser configuration and setting or browser’s appearance, as

described above. Therefore, in view of at least these reasons, Applicants believe that the Examiner's assertion is untenable.

Second of all, Applicants submit that Charpentier and Goshen are non-analogous art and a skilled artisan would not be motivated to combine these references. See MPEP 2141.01(a). In particular, the technical field of Goshen is web browsers on the Internet, especially changing the browser configuration and setting or browser's appearance, customized browser network. In contrast, the technical field of Charpentier is manipulation of graphics information according to characteristics of a device for displaying the graphics information. Charpentier's manipulation of graphics information for a graphics or display device is not so reasonably pertinent that one of ordinary skill in the art would look to Goshen's changing of a browser's appearance to solve the problem of manipulating graphics according to the display device's characteristics in Charpentier. Therefore, **there is no technical relationship between Goshen and Charpentier such that a skilled artisan would consider them to be analogous and further, one skilled in the art can not easily incorporate Goshen and Charpentier**. Consequently, for these additional reasons, Applicants submit that the Examiner has failed to properly establish a *prima facie* case of obviousness based on Charpentier and Goshen.

Thus, in view of at least the foregoing reasons, the cited art fails to teach or suggest each element in amended claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With respect to claim 9, this claim, as amended, recites analogous limitations to those in claim 1. Therefore, for at least the reasons discussed in connection with claim 1, Charpentier fails to teach each element of claim 9. Accordingly, reconsideration and withdrawal of the rejection of claim 9 are respectfully requested.

With respect to claims 2, 6, 7, 10, 14 and 15 these claims depend on base claims 1 or 9, respectively, and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 9, Charpentier in view of Goshen fails to teach or suggest each element of claims 2, 6, 7, 10, 14 and 15. Accordingly, reconsideration and withdrawal of the rejection of claims 2, 6, 7, 10, 14 and 15 are respectfully requested.

Claims 3-5, 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Charpentier in view of Goshen, and further in view of U.S. Patent Publication No. 2001/0047422 filed by McTernan et al. (hereinafter “McTernan”). See Final Office Action, page 6.

With respect to claims 3-5 and 11-13, each of these claims depends on base claims 1 or 9 and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 9, Charpentier in view of Goshen fails to teach or suggest each element of claims 3-5 and 11-13. Further, McTernan fails to teach or suggest the missing elements. Applicants are unable to discern and the Examiner has failed to cite to the portion of McTernan that discloses the missing elements. As a result, Charpentier in view of Goshen in further view of McTernan fails to teach or suggest each element of claims 3-5 and 11-13. Accordingly, reconsideration and withdrawal of the rejection of claims 3-5 and 11-13 are respectfully requested.

Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charpentier in view of Goshen and further in view of U.S. Patent No. 6,232,974 issued to Horvitz et al. (hereinafter “Horvitz”).

With respect to claims 8 and 16, these claims depend on base claims 1 and 9, respectively, and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 9, Charpentier in view of Goshen fails to teach or suggest each element of claims 8 and 16. Further, Horvitz fails to teach or suggest the missing elements. Applicants are unable to discern and the Examiner has failed to cite to the portion of Horvitz that discloses the missing elements. Consequently, Charpentier in view of Goshen in further view of Horvitz fails to teach or suggest each element of claims 8 and 16. Accordingly, reconsideration and withdrawal of the rejection of claims 8 and 16 are respectfully requested.

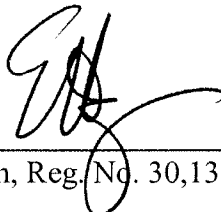
CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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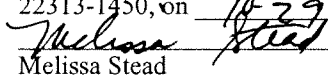
Dated: 10/29, 2008


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Melissa Stead

10-29, 2008